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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/526,081

02/28/2005

Markus Cornelis Jakobus Lazeroms

NL 020786

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24737 7590 03/15/2007

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

SUN, XIUQIN

ART UNIT

PAPER NUMBER

2863

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/526,081

Applicant(s)

LAZEROMS ET AL.

Examiner

Xiuqin Sun

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/26/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1-9 are objected to because of the following informalities:

Claims 1-9 are objected to because they are unclear whether or not the phrases inside the parentheses are parts of the claim limitation. Corrections are required.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

3. Claims 1-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Independent claims 1 and 8 appear to be directed to an algorithm for matching pressure distribution pattern. The claims do not produce any tangible results. The practical application of the claimed invention cannot be realized until the output is conveyed to the user. For the result to be tangible it would need to output to a user or displayed to a user or stored for later use. Hence the claims are treated as non-statutory subject matter (See MPEP Sec. 2106). Claims 2-7 and 9 are rejected under 35 U.S.C. 101 base on dependency.

To view the new guidelines for 35 U.S.C. 101 please view the following OG notice:

<http://www.uspto.gov/web/offices/com/sol/og/2005/week47/patgupa.htm>

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1-3, 5, 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Speeter (U.S. Pat. No. 5479528).

Regarding claims 1 and 8, Speeter discloses a system and method for identifying a person (Abstract), comprising: detecting a distribution of pressures, exerted by at least one foot of the person on a surface (Abstract; col. 3, lines 1-3; col. 9, lines 24-29), storing data of a number of persons, said data comprising a detected pressure distribution pattern and an associated person identification code (Abstract; col. 9, lines 29-32), and comparing a detected pressure distribution pattern with stored pressure distribution patterns until a match of pressure distribution patterns is found (Abstract; cols. 2-3, lines 65-3; col. 9, lines 24-32).

Regarding claim 2, Speeter discloses: the pressure distribution detecting means comprise a matrix sensor (cols. 2-3, lines 65-3; col. 9, lines 24-32).

Regarding claim 3, Speeter discloses: said surface comprises a platform for receiving at least one foot of the person, the pressure distribution detecting means comprising a layer implemented in the platform (col. 4, lines 20-26).

Regarding claims 5 and 6, Speeter discloses: storing detected pressure distribution patterns comprise a processor having a storage medium; the processor further comprises a comparator for comparing a detected pressure distribution pattern with the stored pressure distribution patterns (Figs. 7 and 8; col. 7, lines 3-10; col. 8, lines 31-40).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4, 7 and 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Speeter in view of Wymore (U.S. Pat. No. 6515586).

Regarding claim 4, Speeter discloses the system and method including the subject matter discussed above except: the pressure distribution detecting means and step comprise a matrix of electrical contacts, with a rubber having a pressure-dependent conductivity being placed between these contacts.

Wymore teach a sensory system and method detecting pressure distribution over a surface (col. 2, lines 50-67; col. 9, lines 37-67), including: a matrix of electrical contacts, with a rubber having a pressure-dependent conductivity being placed between these contacts (col. 2, lines 50-67; col. 5, lines 46-59; col. 9, lines 37-67).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching of Wymore in the invention of Speeter in order to provide a flexible, adjustable in size, accurate and robust sensor surface for detecting footprint of a user (Wymore, col. 2, lines 5-9; col. 10, lines 1-21).

Regarding claims 7 and 9, Speeter discloses the system and method including the subject matter discussed above except: said system and method comprises a system and method for identifying a user of a weighing device.

The disclosure of Wymore teaches: said system and method identifying a user of a weighing device (col. 2, lines 50-54).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching of Wymore in the invention of Speeter in order to provide a system and method of detecting pressure distribution that can be adapted for detecting a user of a weighing device (Wymore, col. 2, lines 5-9; col. 9, lines 37-67; col. 10, lines 1-21).

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiuqin Sun whose telephone number is (571)272-2280. The examiner can normally be reached on 6:30am-4:00pm.

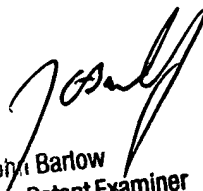
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571)272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

XS

March 6, 2007


John Bartow
Supervisory Patent Examiner
Technology Center 2800